



Attorney Docket No. 004135.P005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Fang-Yu Lee

Serial No.: 10/085,871

Filed: February 27, 2002

For: **New Strains of Saccharothrix Process for
Producing Pravastain Using the Strains and
Isolation Process of (HMG)-COA Reductase**

Examiner: Unknown

Art Group: 1633

RESPONSE TO NOTICE TO COMPLY

U.S. Patent and Trademark Office
Box Sequence
P.O. Box 2327
Arlington, Virginia 22202

Dear Sir:

In response to the Notice to Comply with Requirements for Patent Applications mailed October 18, 2002, Applicants respectfully request entry of the following remarks.

REMARKS

The Patent Office believes the application fails to comply with the requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures. Specifically, the Patent Office believes the computer readable form (CRF) is unreadable. Applicants submit herewith a substitute CRF copy of the Sequence Listing. The content of the sequence listing information recorded in computer readable form is identical to the written sequence listing, and includes no new matter.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date 12/18/02

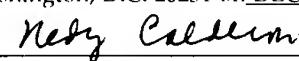

William Thomas Babbitt

William Thomas Babbitt, Reg. No. 39,591

12400 Wilshire Boulevard
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Los Angeles, California 90025
(310) 207-3800

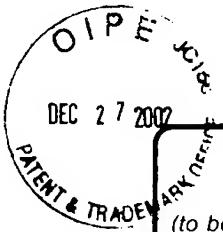
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on DECEMBER 18, 2002.


Nedy Calderon
Nedy Calderon

12/18/02

Date



Under the Paperwork Reduction Act c. 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/21 (08-00)

Approved for use through 10/31/2002 OMB 0651-0031

Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

10

| | |
|------------------------|-------------------|
| Application No. | 10/085,871 |
| Filing Date | February 27, 2002 |
| First Named Inventor | Fang-Yu Lee |
| Group Art Unit | 1633 |
| Examiner Name | Not yet assigned |
| Attorney Docket Number | 4135P005 |

ENCLOSURES (check all that apply)

Fee Transmittal Form

Fee Attached

Amendment / Response

After Final
 Affidavits/declaration(s)

Extension of Time Request

Express Abandonment Request

Information Disclosure Statement

Certified Copy of Priority Document(s)

Response to Missing Parts/ Incomplete Application

Response to Missing Parts under 37 CFR 1.52 or 1.53

Assignment Papers
(for an Application)

Drawing(s)

Licensing-related Papers

Petition

Petition to Convert a Provisional Application

Power of Attorney, Revocation Change of Correspondence Address

Terminal Disclaimer

Request for Refund

CD, Number of CD(s)

After Allowance Communication to Group

Appeal Communication to Board of Appeals and Interferences

Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

Proprietary Information

Status Letter

Other Enclosure(s)
(please identify below):

Copy of Sequence Listing;
copy of Notice to Comply

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

William Thomas Babbitt, Reg. No. 39,591

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Signature

Date

December 18, 2002

CERTIFICATE OF MAILING/TRANSMISSION

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December 18, 2002

Typed or printed name

Nedy Calderon

Signature

Date

December 18, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231 DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

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DEC 27 2002

O I P E
P A T E N T & T R A D E M A R K S**FREE TRANSMITTAL
for FY 2003**

Patent fees are subject to annual revision

 Applicant claims small entity status. See 37 CFR 1.27.**TOTAL AMOUNT OF PAYMENT** (\$)
0.00**Complete if Known**

| | |
|----------------------|-------------------|
| Application Number | 10/085,871 |
| Filing Date | February 27, 2002 |
| First Named Inventor | Fang-Yu Lee |
| Examiner Name | Not yet assigned |
| Group/Art Unit | 1633 |
| Attorney Docket No. | 4135P005 |

METHOD OF PAYMENT (check one)
 Check Credit card Money Order Other None
 Deposit Account
Deposit Account Number **02-2666**Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: (check all that apply)

-
- Charge fee(s) indicated below
-
- Credit any overpayments
-
-
- Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
-
-
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION**1. BASIC FILING FEE**

| Fee Pad | | | | | |
|-------------------|--------------|----------|----------|------------------------|---------|
| Large Entity | Small Entity | Fee Pad | | | |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Pad |
| 1001 | 740 | 2001 | 370 | Utility filing fee | |
| 1002 | 330 | 2002 | 165 | Design filing fee | |
| 1003 | 510 | 2003 | 255 | Plant filing fee | |
| 1004 | 740 | 2004 | 370 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | | | | |

2. EXTRA CLAIM FEES

| Total Claims | 26 | 26* | = | 0 | X | 18.00 | = | \$0.00 | Fee Pad |
|--------------------|----|-----|---|---|---|-------|---|--------|---------|
| Independent Claims | 3 | 3* | = | 0 | X | 84.00 | = | \$0.00 | |
| Multiple Dependent | | | | | | | | | |

| Fee Pad | | | | | |
|-------------------|--------------|----------|----------|---|---------|
| Large Entity | Small Entity | Fee Pad | | | |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Pad |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 | |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 | |
| 1203 | 280 | 2203 | 140 | Multiple Dependent claim, if not paid | |
| 1204 | 84 | 2204 | 42 | **Reissue independent claims over original patent | |
| 1205 | 18 | 2205 | 9 | **Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) (\$) | | | | 0.00 | |

*or number previously paid, if greater. For Reissues, see below

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Fee Pad | | | | | |
|--------------|--------------|----------|----------|--|---------|
| Large Entity | Small Entity | Fee Pad | | | |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Pad |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 2053 | 130 | 2053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920 * | 1804 | 920 * | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840 * | 1805 | 1,840 * | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 400 | 2252 | 200 | Extension for reply within second month | |
| 1253 | 920 | 2253 | 460 | Extension for reply within third month | |
| 1254 | 1,440 | 2254 | 720 | Extension for reply within fourth month | |
| 1255 | 1,960 | 2255 | 980 | Extension for reply within fifth month | |
| 1404 | 320 | 2401 | 160 | Notice of Appeal | |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 | 140 | Request for oral hearing | |
| 1451 | 1,510 | 2451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,280 | 2453 | 640 | Petition to revive - unintentional | |
| 1501 | 1,280 | 2501 | 640 | Utility issue fee (or reissue) | |
| 1502 | 460 | 2502 | 230 | Design issue fee | |
| 1503 | 620 | 2503 | 310 | Plant issue fee | |
| 1460 | 130 | 2460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 740 | 1809 | 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 740 | 2810 | 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 740 | 2801 | 370 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

| SUBMITTED BY | | Complete (if applicable) | | | |
|-------------------|-------------------------------|-----------------------------------|--------|-----------|----------------|
| Name (Print/Type) | William Thomas Babbitt | Registration No. (Attorney/Agent) | 39,591 | Telephone | (310) 207-3800 |
| Signature | <i>William Thomas Babbitt</i> | | | Date | 12/18/02 |

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Commissioner for Patents
Washington, DC 20231
www.uspto.gov

| APPLICATION NUMBER | FILING RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/085,871 | 02/27/2002 | Fang-Yu Lee | 4135P005 |

08791
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES, CA 90025



CONFIRMATION NO. 7742
FORMALITIES LETTER



OC000000008971813

Date Mailed: 10/18/2002

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE